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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number	09/917,963
Filing Date	July 30, 2001
First Named Inventor	Crooke et al.
Art Unit	1635
Examiner Name	S. McGarry
Attorney Docket Number	ISPH-0591

ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application
- ☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation
Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance communication
to Technology Center (TC)
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please
Identify below):
4 pp. Request for Reconsideration of Patent
Term Adjustment

Remarks

Customer No. 36441

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual nameHOWSON AND HOWSON
Mary E. Bak

Signature

Mary E. Bak

Date

July 20, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Kelly A. Karstaedt

Signature

Kelly A. Karstaedt

Date

July 20, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 200.00)

Complete if Known

Application Number	09/917,963
Filing Date	July 30, 2001
First Named Inventor	Crooke et al.
Examiner Name	S. McGarry
Art Unit	1635
Attorney Docket No.	ISPH-0591

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

08-3040

HOWSON AND HOWSON

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity - Small Entity

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of parties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.128(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) Patent Term Adjustment			200
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3)			(\$ 200.00)

SUBMITTED BY

Name (Print/Type)	Mary E. Bak	Registration No. (Attorney/Agent)	31,215	Telephone	215-540-9200
Signature	<i>Mary E. Bak</i>	Date	July 20, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Exhibit B

DAC
JW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.govENTERED
DUE 2/5/04

NOTICE OF ALLOWANCE AND FEE(S) DUE

36441 7590 11/05/2003

MARY E. BAK
HOWSON AND HOWSON, SPRING HOUSE CORPORATE
CENTER
BOX 457
SPRING HOUSE, PA 19477

EXAMINER
MCGARRY, SEAN

ART UNIT	PAPER NUMBER
1635	

DATE MAILED: 11/05/2003

NOV - 7 2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,963	07/30/2001	Rosanne M. Crooke	ISPH-0591	9375
TITLE OF INVENTION: ANTISENSE MODULATION OF MICROSOMAL TRIGLYCERIDE TRANSFER PROTEIN EXPRESSION				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	02/05/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,963	07/30/2001	Rosanne M. Crooke	ISPH-0591	9375

36441 7590 11/05/2003

MARY E. BAK
HOWSON AND HOWSON, SPRING HOUSE CORPORATE
CENTER
BOX 457
SPRING HOUSE, PA 19477

EXAMINER

MCGARRY, SEAN

ART UNIT PAPER NUMBER

1635

DATE MAILED: 11/05/2003

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



Exhibit A

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/917,963

07/27/2004

6767739

ISPH-0591

9375

36441

7590

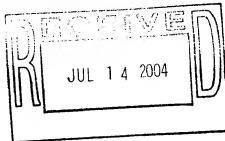
07/08/2004

MARY E. BAK

HOWSON AND HOWSON, SPRING HOUSE CORPORATE CENTER

BOX 457

SPRING HOUSE, PA 19477



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 46 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Rosanne M. Crooke, Carlsbad, CA;
Mark J. Graham, San Clemente, CA;



DOCKET NO.: ISPH-0591

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/917,963 Confirmation No.: 9375
Applicant : Crooke et al.
Filed: : July 30, 2001
TC/A.U. : 1635
Examiner : S. McGarry
Customer No. : 36441
Title : ANTISENSE MODULATION OF MICROSOMAL
TRIGLYCERIDE TRANSFER PROTEIN EXPRESSION

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Sir:

This paper is being filed to request reconsideration of the patent term adjustment noted in the Issue Notification dated July 8, 2004 and received in the above-identified application (attached as Exhibit A). This Request is being filed prior to the anticipated issue date of July 27, 2004.

Certificate Under 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with sufficient postage as first class mail with or is being facsimile transmitted to the United States Patent and Trademark Office at:
P.O. Box 1450
Alexandria, VA 22313-1450.

on July 20, 2004

Kelly A. Karstaedt
Signature
Kelly A. Karstaedt

The facts regarding the request are the following:

(i) The Notice of Allowance dated November 5, 2003 for this application indicated that Applicants were entitled to 0 days of patent term adjustment. Applicants have enclosed a copy of the first two (2) pages of the Notice of Allowance as Exhibit B.

(ii) The issue fee for this application was timely forwarded to the US Patent and Trademark Office (hereinafter USPTO) on December 4, 2003.

(iii) The Issue Notification dated July 8, 2004 indicated that Applicants were entitled to 46 days of patent term extension (Exhibit A).

(iv) On July 14, 2004, Applicants reviewed the "Patent Term Adjustment History" section for this application on the secure section of PAIR. Applicants have enclosed a copy of the "Patent Term Adjustment History" obtained from PAIR as Exhibit C which notes the following three (3) entries:

- (a) 110 PTA days due to USPTO delay;
- (b) 29 PTA day reduction due to Applicants' delay; and
- (c) 35 PTA day reduction due to Applicants' delay.

(v) Applicants verified that the 110 days of patent term adjustment were due to USPTO delay and that the 29 days of patent term reduction were due to Applicants'

delay. However, Applicants disagree that an additional 35 days of a reduction of patent term were due to Applicants' delay.

(vi) This patent is not subject to a terminal disclaimer.

(vii) The facts regarding the incorrect 35 days of reduction of patent term adjustment are the following:

(a) A "Notice to File Missing Parts" was issued by the USPTO on October 31, 2001. Pursuant to USPTO rules and regulations, Applicants were entitled to file the Response within three (3) months from this mailing date to avoid a reduction in patent term, i.e., a Response had to be filed by January 31, 2002.

(b) PAIR indicated that the filing date of the Response to the Notice to File Missing Parts was December 18, 2001.

(c) Applicants forwarded the Response to the Notice to File Missing Parts to the USPTO on December 28, 2001 which was received by the USPTO on January 24, 2002. Applicants have enclosed a copy of the stamped postcard indicating receipt of the Response by the USPTO on January 24, 2002 as Exhibit D.

(d) Since the Response was timely received by the USPTO on January 24, 2002, no patent term reduction should be assessed to Applicants for the filing of this Response.

(viii) 35 days should be added to Applicants' PTA for a total of 81 days of PTA.

(ix) Pursuant to 37 CFR § 1.705(b)(1), Applicants have enclosed the fee of \$200 under 37 CFR 1.18(e). If the USPTO determine that Applicants' are correct in their determination of PTA, Applicants request that this fee be refunded to Applicants Deposit Account 08-3040.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

HOWSON AND HOWSON
Attorneys for Applicants

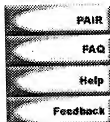
By Mary E. Bak
Mary E. Bak
Registration No. 31,215
Spring House Corporate Center
Box 457
Spring House, PA 19477
(215) 540-9200



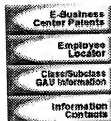
United States Patent and Trademark Office

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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



NEW Printer Friendly Version

**Patent Term Adjustment (PTA) for publication number:
09/917,963**

		Days
Filing or 371(c) Date:	07-30-2001	USPTO Delay (PTO): 110
Issue Date of Patent:	-	Three Years: -
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL): 64
Post-Issue Petitions (days):	+0	Total PTA: 46
USPTO Adjustment (days):	+0	Explanation of Calculations

Select Search Option

☐ Assignments
☐ Continuity Data
☐ Image File Wrapper
☐ File History
☐ Published Documents

Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
07-27-2004	Patent Issue Date Used in PTA Calculation	110	
06-22-2004	Receipt into Pubs		
06-21-2004	Dispatch to FDC		
06-21-2004	Application Is Considered Ready for Issue		
12-08-2003	Mailroom Date of Issue Fee Payment		
12-08-2003	Statement Filed Indicating a Loss of Entitlement to Small Entity Status		
05-21-2004	Receipt into Pubs		
05-13-2004	Workflow - Query Request - Finish		
03-18-2004	Workflow - Query Request - Begin		
12-23-2003	Workflow - File Sent to Contractor		
12-08-2003	Issue Fee Payment Recorded		
11-05-2003	Mail Notice of Allowance		
11-03-2003	Notice of Allowance Data Verification Completed		
11-03-2003	Case Docketed to Examiner in GAU		
10-20-2003	Notice of Allowability		
10-02-2003	Date Forwarded to Examiner		
09-03-2003	Amendment after Final Rejection		
06-17-2003	Mail Final Rejection (PTOL - 326)		
06-16-2003	Final Rejection		

04-08-2003	Date Forwarded to Examiner		
04-08-2003	Response to Election / Restriction Filed		
03-13-2003	Mail Restriction Requirement		
03-12-2003	Requirement for Restriction / Election		
01-17-2003	Date Forwarded to Examiner		
01-17-2003	Response after Non-Final Action		29
01-17-2003	Request for Extension of Time - Granted		↑
09-19-2002	Mail Non-Final Rejection		↑
09-18-2002	Non-Final Rejection		
09-03-2002	Preliminary Amendment		
04-12-2002	X-Pre-Legal Complete New Case		
12-07-2001	Information Disclosure Statement (IDS) Filed		
04-12-2002	Case Docketed to Examiner in GAU		
03-08-2002	Application Dispatched from OIPE		
03-07-2002	Application Is Now Complete		35
12-18-2001	Additional Application Filing Fees		↑
12-18-2001	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant		↑
10-31-2001	Notice Mailed--Application Incomplete--Filing Date Assigned		↑
10-30-2001	Correspondence Address Change		
10-05-2001	Error(s) in CRF Corrected by STIC		
08-06-2001	IFW Scan & PACR Auto Security Review		
07-30-2001	CRF Disk Has Been Received by Preexam / Group / PCT		
07-30-2001	Initial Exam Team nn		

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Exhibit D

RECEIVED BY THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Paper: Response to Notice to File Missing Parts of
Application (in duplicate w/First Class Mailing Stamp);
copy of Notice to File Missing Parts; Executed Combined
Declaration and Power of Attorney; authorization to charge
deposit account #50-1619 for 65.00 for Missing Parts fee

Applicant(s): Crooke and Graham
Serial No.: 09/917,963
Filed: July 30, 2001
Docket No.: ISPH-0591

Date Sent: December 28, 2001

